

McNeill, Catherine

From: Bobby Zarr <bobbyzarr@gmail.com>
Sent: Monday, August 7, 2023 3:40 PM
To: McNeill, Catherine; Mobile Coastal Mail; sherribates
Subject: Re: Pre-filing meeting request in accordance with 401 WQC Process and Notice // SAM-2023-00405-STB
Attachments: Form 166 ADEM-COE Joint Application - Residence Final.pdf; River15014-EL-NORTH.pdf; River15014-EL-SOUTH.pdf; River15014-SP-ACE.pdf; JD REPORT entirely wetlands - Bates Parcel B.pdf; Boundary Survey.pdf; Deed.PDF

Catherine,

Thank you for your quick response. I'm not sure if you need all of the documents submitted to date for permit but I'll include them just in case. We originally submitted separate Form 166. One for the residence and one for the boathouse/shoreline. The USACE rep combined them. I'm including what I assume was the combined form along with the drawings, survey, wetlands delineation and the miscellaneous documents provided to the USACE. Please let us know if you need anything else.

Thanks again for your help,

Bobby Zarr

On Mon, Aug 7, 2023 at 12:06 PM McNeill, Catherine <CMcNeill@adem.alabama.gov> wrote:

Good morning, Mr. Zarr.

The Coastal Program previously received (from the USACE) the Form 166 Joint Application for the proposed pier, deck, boathouse, and shoreline rehabilitation, but we did not receive the Form 166's attachments (plans/diagrams). We also do not appear to have an application or plans associated with the proposed wetland fill.

Please forward the Form 166 and the plans/diagrams for the wetland fill and the plans/diagrams for the pier/boathouse/shoreline to our Coastal@adem.alabama.gov email so that we can take a closer look at the proposal.

Thanks,

Catherine McNeill

Environmental Scientist, Sr.

Coastal Program

Alabama Department of Environmental Management

From: Bobby Zarr <bobbyzarr@gmail.com>
Sent: Friday, August 4, 2023 10:09 AM
To: Mobile Coastal Mail <Coastal@adem.alabama.gov>
Cc: Barber, Samuel T CIV USARMY CESAM (USA) <Samuel.T.Barber@usace.army.mil>; sherribates <sherribates@yahoo.com>
Subject: Pre-filing meeting request in accordance with 401 WQC Process and Notice // SAM-2023-00405-STB

USAC Permit File Number

SAM-2023-00405-STB

Project Location

15014 River Rd, Fairhope, AL, Baldwin County, Fish River (Lat N4.39.25, Lon 34.51)

Description of Proposed Action

Construction of personal residence consisting of a 9,035 single family dwelling constructed on piers at a height of 12' above MHT, @ 290'x16' of gravel driveway, 40'x40' parking/turn around, and 60'x5' walkway from house to pier. Construction will require the fill of the driveway, turn around, house footprint and front yard. Fill and clearing will be accessed and conducted via land using various mechanical equipment. The fill will consist of @ 2,762 cubic yards of pit sand material via truck. Total fill area is @ 24,870 sq ft.

Construction of 50' x 5' pier, 30'x30' deck with 16'x30 boathouse with a single boatslip and shoreline rehabilitation consisting of 124' of rip rap placed mechanically over filtering fabric from MLW to 16' along the shoreline (220 cy). Pilings to be set via barge.

Request for Pre-filing Meeting

In accordance with 40 CFR 121.4(a), we request a pre-filing meeting prior to 401 water quality certification (WQC).

Action Upon Non-Response or Pre-filing Meeting within 30 Days

If we receive no response or if a pre-filing meeting is granted within 30 days from this email dated August 8, 2023, we (applicant) shall proceed with submittal of request for 401 certification.

6. DREDGING: For projects with dredging, show locations and dimensions of proposed dredge area(s) on attached plans. Include existing and proposed depths. N/A (check here if dredging is not proposed)

a. New Work Maintenance Work

b. Volume (cubic yards) of material to be removed: _____

c. Type of material (sand, muck, hard bottom, etc.): _____

d. Surface area (square feet) impacted: _____

e. Method of dredging or excavation (hydraulic pump, mechanical, etc.): _____

f. Nature of area to be dredged (check all that apply) Upland Wetland Waterbottom Other (explain): _____

7. DISCHARGE OF DREDGED OR FILL MATERIAL: For projects with discharge of dredged or fill material, show locations and dimensions of all disposal or fill areas on attached plans. N/A (check here if discharge of dredged or fill material is not proposed)

a. Volume (cubic yards) of fill: _____

b. Type of fill (sand, clay, rip-rap, etc.): _____

c. Surface area (square feet) impacted: _____

d. Source of fill material (check all that apply): Commercially obtained Dredged material Borrowed on-site Other (explain): _____

e. How will discharge material be contained? Specify containment and/or erosion control measures (i.e. Best Management Practices): _____

f. Nature of disposal/fill area(s) (check all that apply.) Upland Wetland Waterbottom Other (explain): _____

8. ADDITIONAL INFORMATION: Provide information below relating to the proposed activity.

a. Are oyster reefs located within or near the project area? Yes No If yes, explain: _____

b. Will this project result in the siting, construction, and/or operation of an energy-related facility? Yes No

c. Is the project area greater than 5 acres in size? Yes No

d. Is any portion of the activity for which authorization is sought now complete? Yes No If yes, explain: _____

_____ Month and year activity took place: _____

e. If project is for maintenance work of existing structures or channels, describe legal authorization for the existing work. Provide permit number, dates, or other form of authorization: _____

9. PURPOSE AND NEED: Describe the purpose and need of the project. Describe any public benefit, if applicable. Describe the relationship between the project and any secondary or future development the project is designed to support: _____

Intended use: Public Private Commercial Other (explain): _____

10. PROJECT SCHEDULE:

Proposed start date: _____ Proposed completion date: _____

11. ADJACENT PROPERTY OWNER NAMES AND MAILING ADDRESSES: Provide the names and mailing addresses of adjoining property owners, lessees, etc. whose property adjoins the project. Also, identify the location of each owner's property on the plan view drawings. Attach additional sheets as needed.

Owner's Name: _____ Owner's Name: _____

Mailing Address: _____ Mailing Address: _____

12. OTHER AUTHORIZATIONS OR CERTIFICATIONS: List all authorizations or certifications requested, received, and/or required from other federal, state, or local agencies for any structures, construction, discharges, or other activities described in or directly related to this application. Note: The signature in Section 14 certifies that application has been made to or that permits are not required from the following agencies. *If permits are not required, place "N/A" in space for Type of Approval.*

Name of Federal, State, or Local Agency	Type of Approval	Identification No.	Date of Application	Date of Approval	Date of Denial
U.S. Army Corps of Engineers					
Alabama Dept. of Environmental Management (ADEM)					
Alabama Dept. of Conservation and Natural Resources, State Lands Division (ADCNR-SLD)					
Alabama State Docks					
City/County/Other: _____					

13. ATTACHMENTS: In addition to the completed application form, the following attachments are **REQUIRED:**

Vicinity Map: Show the location of the proposed site in relation to major highways, landmarks, and nearby streets.

Drawings: Provide plan view and cross-section or elevation view drawings of the project site. Drawings **must:**

1. Show fully-dimensioned and accurate representations of the existing and proposed structures and activities.
2. For projects located in or adjacent to waterways, clearly indicate the location of the Mean High Water and Mean Low Water lines (in tidally influenced areas) or the Ordinary High Water mark (in non-tidal creeks, rivers, etc.) along the shoreline or bank.
3. For projects located in or adjacent to waterways, include the width of the waterbody at the site location.

All plans and attachments must be of reproducible quality, in black and white, on 8 ½ inch x 11 inch paper

14. SIGNATURE OF APPLICANT OR AGENT (REQUIRED): Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. For projects within the coastal area of Mobile and Baldwin Counties, I certify that the proposed project for which authorization is sought complies with the approved Alabama Coastal Area Management Program and will be conducted in a manner consistent with the program. I agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with and responsible for the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

Signature of Applicant or Agent

Date

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willingly falsifies, conceals, or covers up by any trick, scheme or device a material fact or make any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

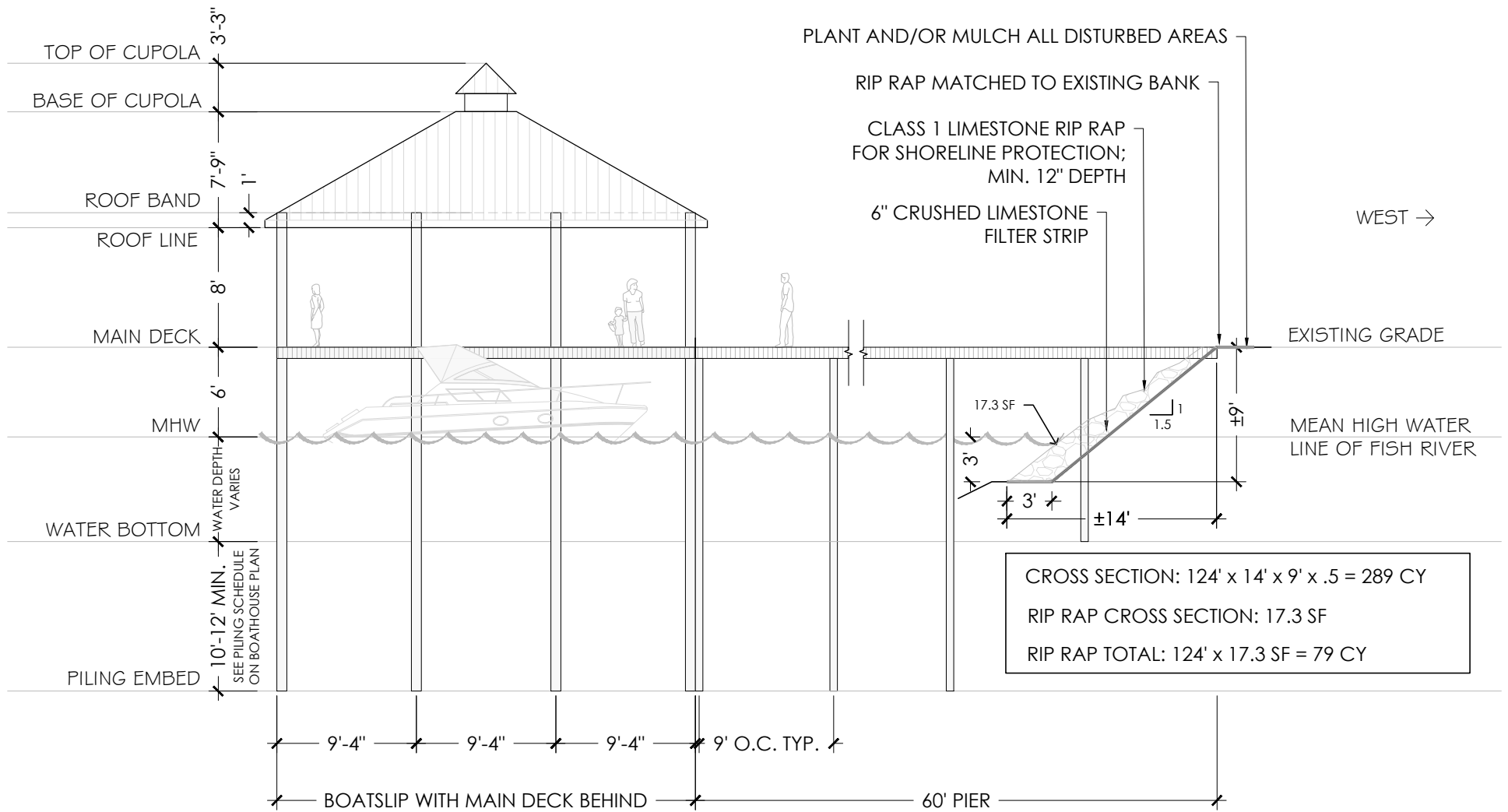
15. APPLICATION SUBMISSION INFORMATION: Contact the U.S. Army Corps of Engineers prior to submitting the application if you have any questions or to request acceptable alternate content/format. An instruction package, example SPCC plans, and other information are available upon request. NOTE: Fees may be required in conjunction with ADEM certification. ADEM will contact the applicant with fee requirements. Fees may also be required by the ADCNR-SLD for dredging activities and projects impacting State-Owned Submerged Lands. ADCNR-SLD will contact the applicant with fee requirements.

Submit the completed and signed **original** application and attachments to the appropriate U.S. Army Corps of Engineers office below:

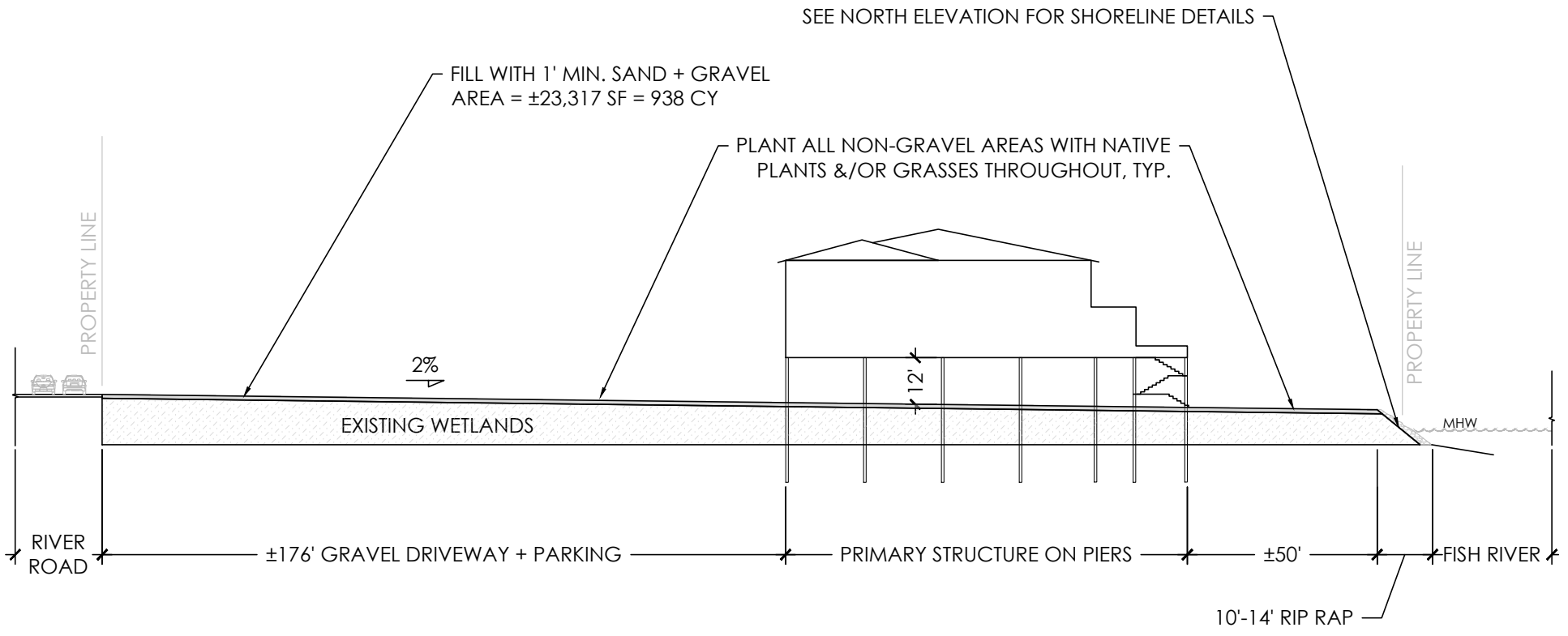
For activities in the following counties in Alabama: <i>Baldwin, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Marengo, Mobile, Monroe, Washington, and Wilcox</i>	For activities in all other counties in Alabama: <i>(Portions of northern Alabama counties may be within the U.S. Army Corps of Engineers Nashville District area of responsibility. Please contact the Nashville District Regulatory Division at (615) 369-7500 for more information)</i>
U.S. Army Corps of Engineers, Mobile District Attention: CESAM-RD-A Post Office Box 2288 Mobile, Alabama 36628-0001 Phone: (251) 690-2658 Fax: (251) 694-3692 Web: www.sam.usace.army.mil	U.S. Army Corps of Engineers, Mobile District Attention: Regulatory Division, North Branch 218 Summit Parkway, Suite 222 Homewood, Alabama 35209 Phone: (205) 290-9096 Fax: (205) 941-9809 Web: www.sam.usace.army.mil

Additionally, submit a signed **copy** of the application package to the appropriate state agencies below:

For activities in the following counties in Alabama: <i>Baldwin, Mobile, and Washington</i>		For activities statewide in Alabama: <i>(For northern counties, contact the Nashville District as noted above)</i>	
Coastal Section-Mobile Branch Field Operations Division, ADEM 3664 Dauphin Street, Suite B Mobile, AL 36608 Phone: (251) 304-1176 Fax: (251) 304-1189 Email: coastal@adem.alabama.gov Web: www.adem.state.al.us	ADCNR, State Lands Division Coastal Section 3115 Five Rivers Boulevard Spanish Fort, AL 36527 Phone: (251) 621-1216 Fax: (251) 621-1331 Web: www.outdooralabama.com	Field Operations Division, ADEM Post Office Box 301463 Montgomery, AL 36110-2059 Phone: (334) 394-4311 Fax: (334) 394-4326 Email: fieldmail@adem.alabama.gov Web: www.adem.state.al.us	Alabama State Port Authority Attn: Harbormaster Post Office Box 1588 Mobile, AL 36633 Phone: (251) 441-7074 Fax: (251) 441-7390 Email: harbormaster@asdd.com Web: www.asdd.com



BOATHOUSE + SHORELINE NORTH ELEVATION
 30' x 30' BOATHOUSE WITH PIER



SECTION A-A'
FACING NORTH

SCALE: 1" = 40'-0"



DATE: JULY 18, 2022



July 21, 2020

Sherri Bates
4 Yacht Club Drive, #162
Daphne, AL 36526

**Re: Wetland Assessment Report
Parcel B River Road, Fish River, Baldwin County, AL
WSI Project #2020-500**

Dear Ms. Bates,

As requested, Wetland Sciences, Inc. has completed a wetland assessment within Parcel "B" located at the terminus of River Road, Baldwin County, AL. The parcel is described as Parcel ID 55-03-07-0-000-078.012 by the Baldwin County Property Appraiser.

During this assessment, Wetland Sciences, Inc. determined the subject property consists entirely of jurisdictional wetlands. This wetland complex will fall within the regulatory jurisdiction of the US Army Corps of Engineers (Corps) under 33 CFR 320-330, the Alabama Department of Environmental Management (ADEM).

Please be advised that various development activities within the jurisdictional wetlands, such as filling, mechanical land-clearing, and construction of some piling supported structures require permitting from the State of Alabama and United States Army Corps of Engineers.

Desktop Review

Prior to performing the delineation, several map and aerial photograph resources were reviewed to assist with identifying potential WOTUS and wetland areas at the site. Each source of data is described in detail below.

Natural Resource Conservation Service Soil Survey

WSI reviewed the Natural Resources Conservation Service (NRCS) on-line Web Soil Survey (WSS) to identify soil types in the vicinity of the site. The property is comprised of Hyde, Bayboro and Muck soils and Okenee soils.

Hyde, Bayboro, and Muck soils are associated with the floodplain swamps. These soils consist of very deep, very poorly drained, moderately slow permeability formed from loamy marine sediments on the river floodplain of the Gulf Coastal Plains.

The Okenee series consists of deep, very poorly drained soils that are very strongly acid or extremely acid. The soils developed in old alluvium of sandy loam to silty clay texture and are on terraces along streams of the Coastal Plan. Slopes range from 0 to 2 percent.

Hyde, Bayboro and Muck soils have a hydric rating of 100%. This rating indicates the percentage of map units that meet the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor non hydric components in the higher positions on the landform, and map units that are made up dominantly of non-hydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993). If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

Aerial Photograph

WSI reviewed aerial photographs to identify suspected wetland areas on the site and to determine changes in wetland areas over time. Aerial photographic signatures suggest the property is comprised of flatwoods.

National Wetland Inventory Map

The US Fish and Wildlife Service (FWS) is the principal US Federal agency tasked with providing information to the public on the status and trends of our Nation's wetlands. The US FWS National Wetlands Inventory (NWI) is a publicly available resource that provides detailed information on the abundance, characteristics, and distribution of US wetlands. Prior to our field inspection of the property, Wetland Sciences, Inc. researched the U.S. Fish and Wildlife Service's National Wetland Inventory Data.

Field Review

Wetlands generally have three essential characteristics: hydrophytic vegetation, hydric soils, and wetland hydrology. The techniques for evaluating the plant community, soils, and hydrology are described in the following sections.

Hydric Soils Assessment

Several soil test holes were evaluated in an attempt to identify field indications of hydric soils. WSI utilized the hydric soil definition provided by the National Technical Committee for Hydric Soils and criteria to determine whether soils within the site are considered hydric. It was determined during the desktop review that the soils within the subject property had a hydric rating greater than 98%. A specific area is not necessarily considered to have hydric soils because it is dominated by soils on a hydric soils list. Hydric soils must be identified by verifying the presence of one or more of the hydric soil indicators. Several hydric soil indicators were noted including dark surface, mucky texture, and sandy redox.

Wetland Hydrology Assessment

Visual indicators of wetland hydrology were evaluated. Examples of primary wetland hydrology indicators include, but are not limited to, surface water, high water table, soil saturation, water marks, sediment deposits, drift deposits, iron deposits, inundation visible on aerial imagery, sparsely vegetated concave surface, and water-stained leaves. If at least one primary or two secondary indicators are observed, the data point location was considered to have wetland hydrology.

Several wetland hydrologic indicators were noted within the subject property including drainage patterns, aquatic fauna, and plant morphological adaptations.

Plant Community Structure

The subject property is comprised of a slash pine swamp forest. The slash pine swamp forest community can be characterized by a sparse canopy of slash pine (*Pinus elliottii*), pond pine (*Pinus serotina*), and sweetbay magnolia (*Magnolia virginiana*). Other canopy species include swamp bay (*Persea palustris*), red maple (*Acer rubrum*), and black gum (*Nyssa sylvatica*). Subcanopy species primarily include sweetbay magnolia, swamp bay, and black titi (*Cliftonia monophylla*). Shrubs include large gallberry (*Ilex coriacea*), fetterbush (*Lyonia lucida*), titi (*Cyrilla racemiflora*), black titi, sweet pepperbush (*Clethra alnifolia*), and wax myrtle (*Myrica cerifera*). Herbs include wiregrass (*Aristida stricta* var. *beyrichiana*), blue maidencane (*Amphicarpum muhlenbergianum*), yellow-eyed grass (*Xyris* spp.), Carolina redroot (*Lachnanthes caroliniana*), beaksedges (*Rhynchospora* spp.), Virginia chain fern (*Woodwardia virginica*), marsh shield fern (*Thelypteris palustris*), and netted chain fern (*Woodwardia aereolata*).

Field Identification of Wetlands

The wetlands were delineated in accordance with both the methodology outlined in Chapter 62-340, Florida Administrative Code and in the Florida Wetlands Delineation Manual (State – DEP & Water Management District) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Federal – Corps) via a pedestrian survey covering 100% of the subject property. I personally inspected the property on July 16, 2020. Interpretation of the variables cited above, lead to a conclusion that the entire property is comprised of wetlands.

Any development activities requiring the excavation or placement of fill within the wetlands located on the property will require permits from the agencies referenced above. As you may or may not know the agencies which regulate wetlands evaluate permits on the basis of avoidance and minimization, practical alternatives, and mitigation. This is a rather complicated process and better explained during a person to person meeting or via a telephone conference.

This concludes our report. Be advised, the information presented within this report represents the professional opinion of the scientist that performed the work and is intended to furnish the client with a rough approximation of the status of wetland resources on the site under consideration. It is the responsibility of the regulatory agencies to verify our approximation before this determination can be considered legally binding.

Finally, I have included a statement of our firm for services rendered and expenses incurred associated with this effort. If you find this statement in order, please place it in line for payment.

If you have any questions, please do not hesitate to me at (850) 453-4700.

Respectfully,

WETLAND SCIENCES, INC.

A handwritten signature in black ink, appearing to read "Craig D. Martin". The signature is fluid and cursive, with the first name "Craig" and last name "Martin" clearly distinguishable.

Craig D. Martin
Sr. Scientist

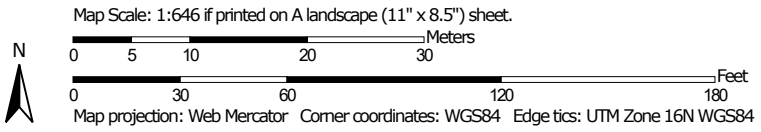
Exhibit A

USDA NRCS Soils Map

Soil Map—Baldwin County, Alabama



Soil Map may not be valid at this scale.





MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Baldwin County, Alabama

Survey Area Data: Version 12, May 29, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 16, 2018—Dec 18, 2018

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

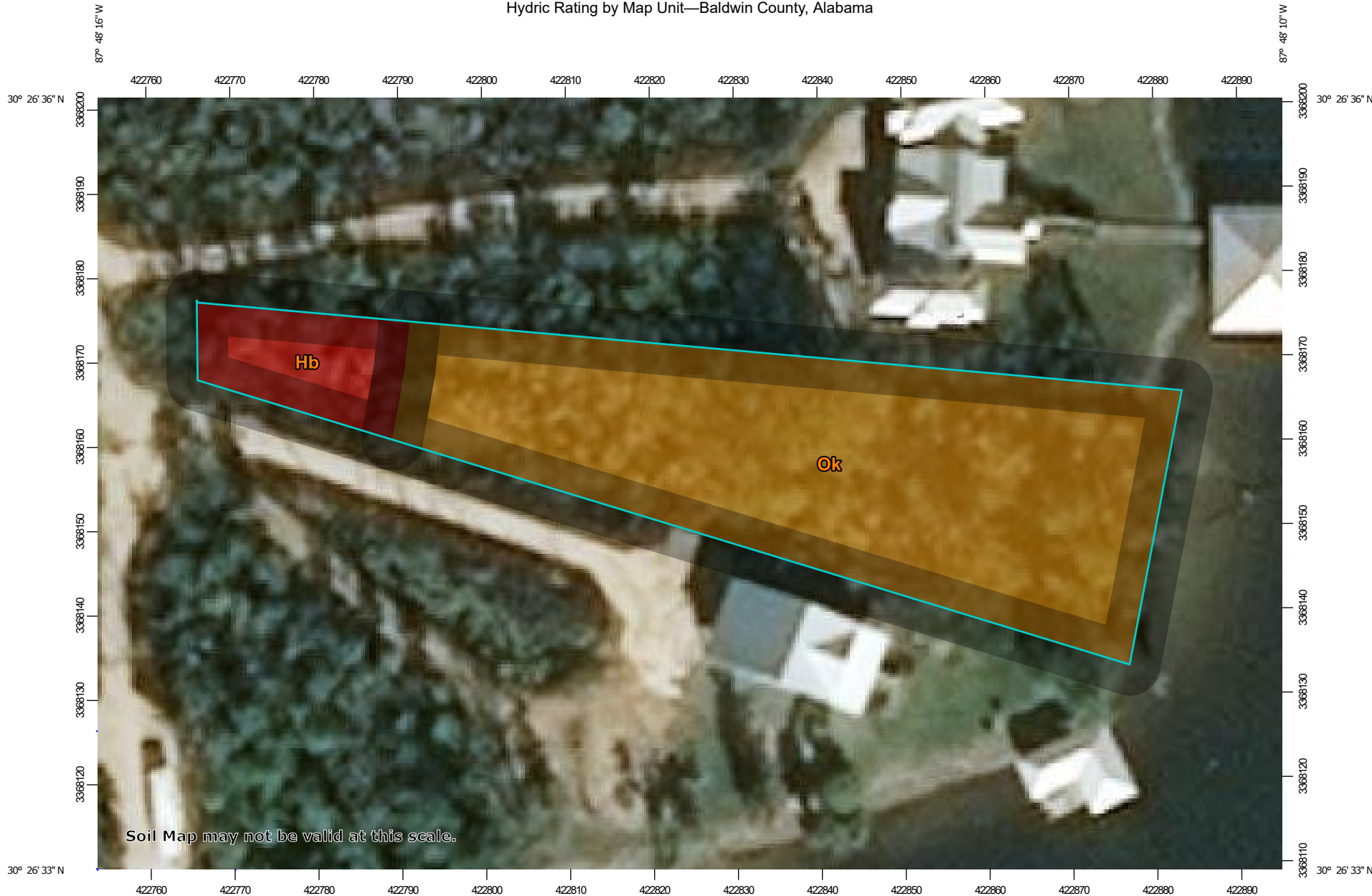
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Hb	Hyde, Bayboro, and Muck soils	0.1	11.8%
Ok	Okenee soils	0.5	88.2%
Totals for Area of Interest		0.6	100.0%

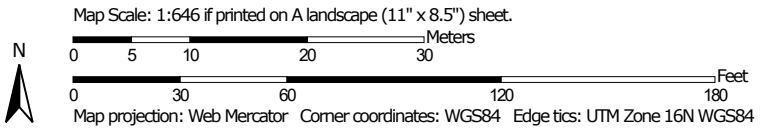
Exhibit B

USDA NRCS Hydric Soil Map

Hydric Rating by Map Unit—Baldwin County, Alabama




Soil Map may not be valid at this scale.









MAP LEGEND

Area of Interest (AOI)







 Area of Interest (AOI)

Soils







Soil Rating Polygons

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available


Soil Rating Lines

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available






Soil Rating Points

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Baldwin County, Alabama
 Survey Area Data: Version 12, May 29, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 16, 2018—Dec 18, 2018

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Hb	Hyde, Bayboro, and Muck soils	100	0.1	11.8%
Ok	Okenee soils	90	0.5	88.2%
Totals for Area of Interest			0.6	100.0%

Description

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

The thematic map is color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components, 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

In Web Soil Survey, the Summary by Map Unit table that is displayed below the map pane contains a column named 'Rating'. In this column the percentage of each map unit that is classified as hydric is displayed.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Rating Options

Aggregation Method: Percent Present

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Exhibit C

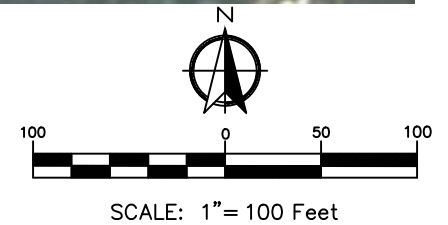
Sketch of Wetland Resources

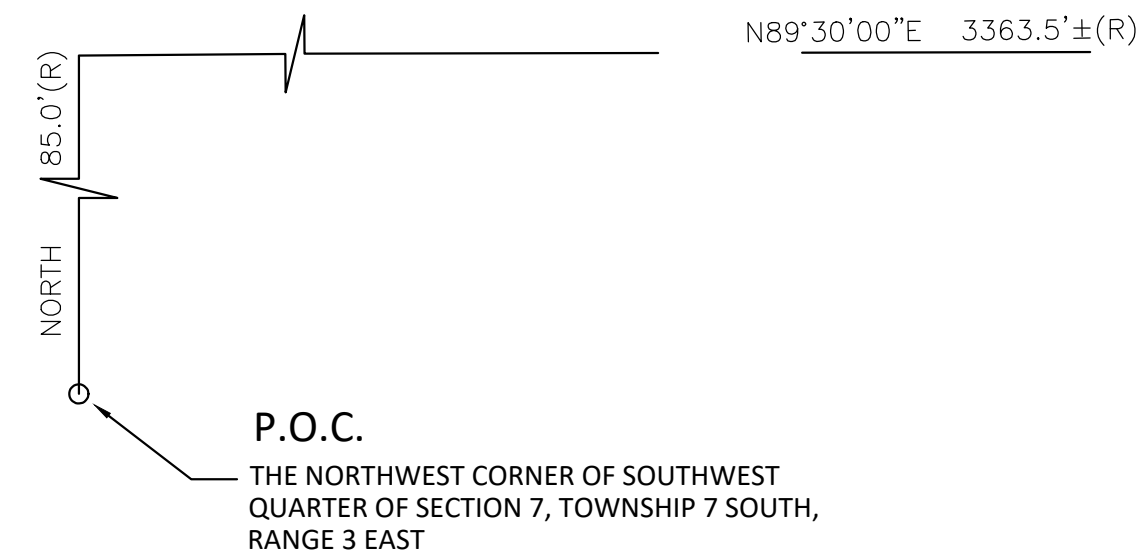


ENVIRONMENTAL CONSULTANTS

3308 GULF BEACH HIGHWAY
 PENSACOLA, FLORIDA 32507
 TEL: 850.453.4700
 CRAIG@WETLANDSCIENCES.COM

PROJECT NAME: Parcel B River Road	
WETLAND SKETCH	
PROJECT NO.:	2020-500
DRAWN BY: AJN	DATE: 07/21/2020
SHEET: 1	





LEGEND:
 (A & R) = ACTUAL & RECORD BEARING/DISTANCE
 (R) = RECORD BEARING/DISTANCE
 ● = CAPPED REBAR SET (SE CIVIL)
 ○ = CAPPED REBAR FOUND
 □ = TELEPHONE PEDESTAL
 ⊕ = UTILITY POLE
 ☒ = WATER VALVE

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH A DISTANCE OF 85.0 FEET; THENCE RUN NORTH 89 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 3363.50 FEET; THENCE RUN SOUTH 01 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 1116.9 FEET, MORE OR LESS; THENCE RUN SOUTH 34 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 732.8 FEET, MORE OR LESS; THENCE RUN SOUTH 35 DEGREES 20 MINUTES 00 SECONDS EAST, A DISTANCE OF 480.5 FEET, MORE OR LESS; THENCE RUN SOUTH 49 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 320.0 FEET, MORE OR LESS; THENCE RUN SOUTH 27 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 260.0 FEET, MORE OR LESS TO A CAPPED REBAR (SE CIVIL); THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF A CUL-DE-SAC AT THE END OF RIVER ROAD AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 56.50 FEET, (CHORD BEARS SOUTH 44 DEGREES 31 MINUTES 48 SECONDS EAST, A DISTANCE OF 54.43 FEET) TO A CAPPED REBAR (SE CIVIL) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 87 DEGREES 40 MINUTES 16 SECONDS EAST, A DISTANCE OF 352 FEET, MORE OR LESS, TO THE WESTERN MARGIN OF FISH RIVER; THENCE RUN SOUTHWESTERLY ALONG THE MEANDERS OF SAID WESTERN MARGIN, A DISTANCE OF 124 FEET, MORE OR LESS; THENCE DEPARTING SAID WESTERN MARGIN, RUN NORTH 74 DEGREES 06 MINUTES 43 SECONDS WEST, A DISTANCE OF 348 FEET, MORE OR LESS, TO A CAPPED REBAR (SE CIVIL) ON THE AFORESAID EAST RIGHT-OF-WAY LINE; THENCE ALONG THE SAID EAST RIGHT-OF-WAY LINE AND A CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 35.08 FEET, (CHORD BEARS NORTH 00 DEGREES 43 MINUTES 55 SECONDS WEST, A DISTANCE OF 34.58 FEET) TO THE POINT OF BEGINNING. TRACT CONTAINS 0.58 ACRES, MORE OR LESS.

David E. Diehl
 DAVID E. DIEHL AL. P.L.S. NO. 26014 DATE 07-23-2020

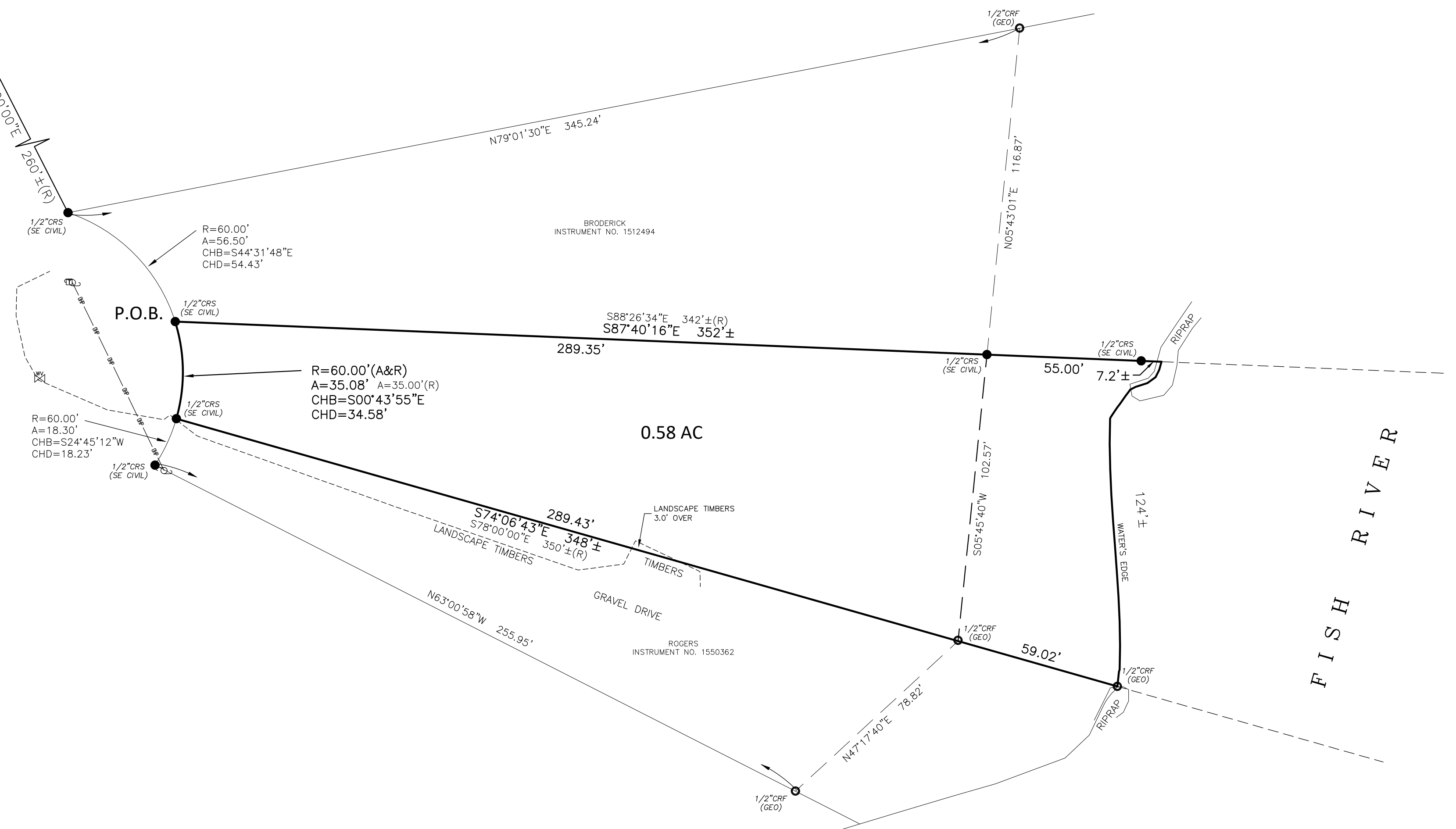


SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

FLOOD STATEMENT
 PROPERTY LIES IN FLOOD ZONE AE (EL 9) AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 0100300785M, COMMUNITY NUMBER 015000, PANEL 0785, SUFFIX "M", DATED APRIL 19, 2019.

RIVER ROAD

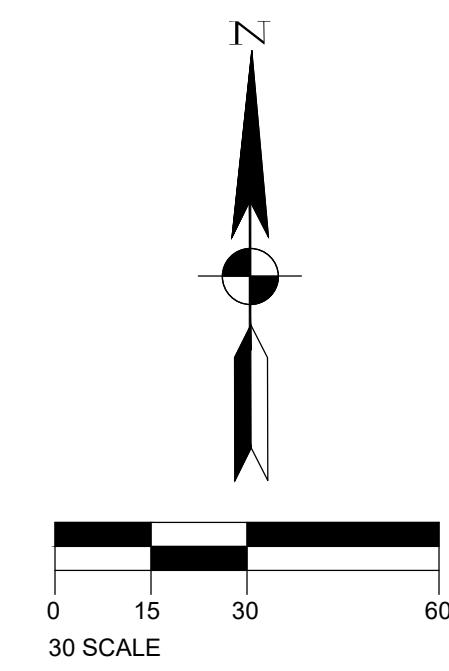
FISH RIVER



SURVEYOR'S NOTES:

1. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
2. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
3. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
4. SURVEY WAS CONDUCTED ON JULY 22, 2020, AND IS RECORDED IN AN ELECTRONIC FIELD BOOK.
5. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES, AND ARE BASED ON STATE PLANE GRID, ALABAMA WEST ZONE USING GPS OBSERVATIONS.
6. NO TITLE SEARCH OR REPORT WAS PROVIDED FOR THIS SURVEY.
7. THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2017.

BOUNDARY SURVEY ZARR	 S.E. Civil Engineering & Surveying 880 HOLCOMB BLVD FAIRHOPE, AL 36532 (251) 990-6566	DRAWN	RDC
		CHKD.	DED
		PROJ MGR	DED
		SCALE	1"=30'
		PROJECT	20200755
		FILE	20200755
		SHEET	1 OF 1



WARRANTY DEED

STATE OF ALABAMA *

COUNTY OF BALDWIN *

KNOW ALL MEN BY THESE PRESENTS, that **SUSAN B. MALLETT**, an **unmarried woman dealing with non-homestead property**, the Grantor, for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable considerations hereby acknowledged to have been paid to the said Grantor by **SHERRI BATES**, the Grantee, does hereby GRANT, BARGAIN, SELL and CONVEY unto the said Grantee, subject to the provisions hereinafter contained, all that property in the County of Baldwin, State of Alabama, described as follows, to-wit:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA. RUN THENCE NORTH, A DISTANCE OF 85 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MYRTLE STREET; THENCE RUN NORTH 89° 30' 00" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 3363.5 FEET, MORE OR LESS; THENCE RUN SOUTH 01° 00' 00" EAST, 1116.9 FEET MORE OR LESS, TO AN IRON PIN; THENCE RUN SOUTH 34° 00' 00" EAST, 732.8 FEET, MORE OR LESS; THENCE RUN SOUTH 35° 20' 00" EAST, 480.5 FEET, MORE OR LESS, TO AN IRON PIN; THENCE RUN SOUTH 49° 00' 00" EAST, 320 FEET, MORE OR LESS, TO AN IRON PIN THENCE RUN SOUTH 27° 00' 00" EAST, 260 FEET, MORE OR LESS, TO A CRIMP TOP PIPE AT THE SOUTHWEST CORNER OF PROPERTY CONVEYED TO GEORGE M. STROH AND BILLIE J. STROH PER DEED RECORDED IN REAL PROPERTY BOOK 103, PAGES 1496-1500, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTHEASTWARDLY ALONG THE EAST RIGHT-OF-WAY LINE OF THE CUL-DE-SAC AT THE END OF RIVER ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 60 FEET AN ARC DISTANCE OF 56.50 FEET (CHORD BEARS SOUTH 48° 20' 41" EAST, 54.44 FEET) TO AN IRON PIN FOR THE POINT OF BEGINNING; THENCE RUN NORTH 88° 26' 34" EAST, 289.35 FEET TO AN IRON PIN; THENCE CONTINUE NORTH 88° 26' 34" EAST, 53 FEET, MORE OR LESS, TO A POINT ON THE WEST MARGIN OF FISH RIVER; THENCE RUN SOUTHWESTWARDLY ALONG SAID WEST MARGIN OF FISH RIVER 115 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTH 78° 00' 00" WEST, 44 FEET, MORE OR LESS, ALONG THE NORTH BOUNDARY OF

PROPERTY CONVEYED TO AUBREY RAY STEGALL AND LYNETTE STEGALL PER DEED RECORDED REAL PROPERTY BOOK 350, PAGES 1631-1633, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE CONTINUE NORTH 78° 00' 00" WEST ALONG SAID NORTH BOUNDARY A DISTANCE OF 289.43 FEET TO AN IRON PIN ON THE EAST RIGHT-OF-WAY LINE OF THE CUL-DE SAC AT THE END OF RIVER ROAD; THENCE RUN NORTHWESTWARDLY ALONG SAID RIGHT-OF-WAY LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 60 FEET AN ARC DISTANCE OF 35.00 FEET (CHORD BEARS NORTH 04° 39' 25" WEST, 34.51 FEET) TO THE POINT OF BEGINNING. SAID PARCEL OF LAND BEING A PORTION OF PARCEL 7 OF THE LAND CONVEYED TO DIANA KEENEY PERSONS RODGERS AND GENE EDWARD RODGERS RECORDED IN REAL PROPERTY BOOK 40, PAGES 119-126, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

SUBJECT TO:

- Zoning, environmental, wetlands, and other government regulations and laws which may affect the use of all or part of the property.
- Building setback lines and drainage and utility line easements as shown on the recorded plat of said subdivision.
- Rights of the United States of America, State of Alabama and/or other parties in and to the bed, shore and waters of Fish River, crossing or adjoining the property described herein.
- Conveyance of oil, gas and minerals contained in Instrument recorded in Real Property Book 99, page 1558.
- Oil, gas and mineral lease recorded in Instrument No. 1192520
- Restrictive Covenants as recorded in Deed Book 37, page 280.
- Reservation of all oil, gas or other minerals retained in deed recorded in Deed Book 37, page 280 and at Instrument Number 1294843 in the office of the judge of probate of Baldwin County, Alabama.
- Restrictive covenants and reservations as contained in deed from Diana Keeney Persons Rodgers, to James Bryan Broderick and Jacqueline L. Broderick, dated July 15, 2011 and recorded in Instrument no. 1294843.
- Letters of exemption provided by Baldwin County Highway Department, dated April 16, 2015 and recorded in Instrument No. 1512493.
- Restrictive covenants and reservations as contained in deed from River Lands Development to Diana Kenney Persons Rodgers, dated November 13, 1978 and recorded in Real Property Book 37, page 280.
- Navigational servitudes and all other rights, titles and powers of the United States, the State and local government, and any other governmental entity and the public over lands comprising the bed of Fish River and its shore extending to the ordinary high water line thereof
- Lands beyond the line of the border or bulkhead lines, or vegetation line.

- Filled lands, submerged lands or artificial lands, including any determination that some portion of the land is tide or submerged lands, or has been create by artificial means or has accreted to such portion so created.
- Riparian or water rights, claims or title to water, whether or not shown by the public record.
- No mobile homes or RV's shall be allowed to be placed on or constructed on the above described property.
- Right of way easement as recorded in Real Property Book 50, page 1075.

All recording references refer to the records in the office of the Judge of Probate, Baldwin County, Alabama, unless otherwise indicated.

TOGETHER WITH ALL AND SINGULAR the rights, privileges, tenements, hereditaments and appurtenances hereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD unto the said Grantee, her heirs and assigns forever.

And, except as to the above and taxes hereafter falling due, which are assumed by the Grantee, the Grantor, for herself and for her heirs and assigns, hereby covenants with the said Grantee, her heirs and assigns, that she is seized of an indefeasible estate in fee simple in and to said property, that said property is free and clear of all encumbrances, and she does hereby WARRANT AND WILL FOREVER DEFEND the title to said property, and the possession thereof, unto the said Grantee, and her heirs and assigns against the lawful claims of whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set her hand and seals on this the 21 day of July, 2020.

Susan B. Mallett
SUSAN B. MALLETT

GRANTORS' ADDRESS: 3841 Beardsley Dr, Montgomery, AL 36109

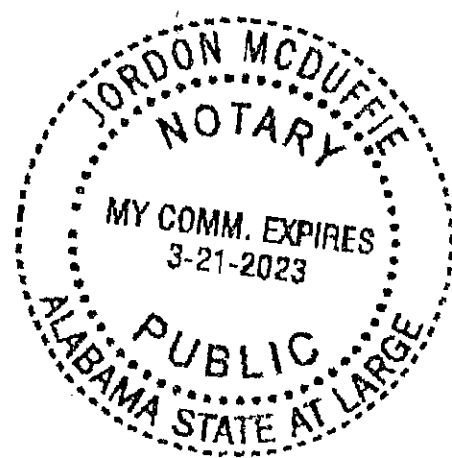
GRANTEES' ADDRESS: 4 Yacht Club Drive #162 Daphne AL 36526

STATE OF ALABAMA *

COUNTY OF BALDWIN *

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that **SUSAN B. MALLETT**, whose name is signed to the foregoing instrument and who is known to me, knowledge before me on this day that, being informed of the contents of the within instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 21st day of July, 2020.



Jordan McDuffie
NOTARY PUBLIC
M.C.E. 3/21/2023

THIS INSTRUMENT PREPARED BY:
J. Alan Lipscomb
Benton & Lipscomb
Attorneys at Law
P.O. Box 471
Fairhope, Alabama 36533
(251) 928-0282

Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name SUSAN B. MALLETT

Grantee's Name SHERRI BATES

Mailing Address _____

Mailing Address _____

3841 Beardstey Dr
Montgomery, AL 36109

4 Yacht Club Dr #142
Daphne, AL 36526

Property Address PPIN NO. 69361

Date of Sale 7/24/20

Total Purchase Price \$ 85,000.00

or

Actual Value \$ _____

or

Assessor's Market Value \$ _____

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

- Bill of Sale
- Sales Contract
- Closing Statement

- Appraisal
- Other _____

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 7/24/20

Print Sherri Bates

Unattested

Sign Sherri Bates

(verified by)

(Grantor/Grantee/Owner/Agent) circle one

